

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

360 DEGREE EDUCATION, LLC *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
EDUCATION, *et al.*,

*Defendants.*

No. 4:24-cv-00508-P

**DEFENDANTS' NOTICE OF FURTHER ADMINISTRATIVE ACTION**

In its Order of September 6, 2024 [ECF 57], the Court administratively closed this case pending anticipated administrative procedures by the U.S. Department of Education (“Department”) to enforce a Title IV state approval requirement, not at issue in Plaintiffs’ claims, against plaintiff 360 Degree Education, LLC, or “Cortiva,” which has claimed Title IV eligibility for a 600-hour massage therapy program in Texas even though the Texas Department of Licensing and Regulation has approved only a 500-hour program. As explained in Defendants’ December 6, 2024 filing, the Department initiated applicable administrative procedures on December 4, 2024, by sending Cortiva a letter formally notifying it of the need to submit an application for approval of a 500-clock hour program no later than December 13, 2024 to avoid a formal enforcement action.

The further developments since Defendants’ December 6, 2024 filing are as follows: Cortiva declined to submit the requested application by December 13, 2024 and indicated that it

did not intend to submit such an application.<sup>1</sup> On January 10, 2025, the Department therefore sent Cortiva a further letter informing it of the Department's intent to terminate the Title IV eligibility of Cortiva-Arlington's massage therapy program pursuant to 20 U.S.C. § 1094(c)(1)(F) and the Department's regulations at 34 C.F.R. § 600.41(b)(1) and Part 668, Subpart G.

Under the Department's procedures for such termination actions, Cortiva may contest the termination action by requesting a hearing or submitting written material, 34 C.F.R. § 668.86(b), and any adverse decision on the termination action may be appealed to the Secretary, *id.* § 668.86(b).

Defendants defer to the Court regarding whether the currently-scheduled January 14, 2025 hearing in this case should be continued or vacated in light of this information but thought it important in any event to make the Court aware of these developments prior to the hearing.

DATED: January 10, 2025

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MARCIA BERMAN  
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer  
KATHRYN L. WYER (Utah Bar No. 9846)

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<sup>1</sup> In order to better understand the scope of the issue arising from TDLR's policy of limiting its approval for massage therapy programs to no more than 500 hours, and to avoid any suggestion that the Department was selectively enforcing the state approval requirement against Cortiva, the Department conducted research prior to sending its December 4, 2024 letter in order to determine whether there were any other massage therapy programs in Texas that similarly exceeded the state's 500-hour approval limit while continuing to claim Title IV eligibility. Thus far, the Department has identified such programs at four other schools, and the Department issued similar notification letters to those schools on or around December 4, 2024. All four of those schools have begun the process of coming into compliance with Title IV requirements by submitting applications for Department approval of 500-hour massage therapy programs. The Department was thus able to avoid pursuing further enforcement action against those schools.

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